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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 22 December 2003 from the Permanent Representative of Brunei Darussalam to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Brunei Darussalam to the United Nations presents his compliments to the Chairman of the Committee established pursuant to resolution 1267 (1999) and has the honour to refer to the latter's note of 21 November 2003 drawing attention to paragraph 6 of Security Council resolution 1455 (2003), calling on all States to submit an updated report to the Committee.

The Permanent Representative of Brunei Darussalam, in this regard, has the further honour to submit a copy of the report of the Government of Brunei Darussalam as required by resolution 1455 (2003) (see annex).

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Annex to the note verbale dated 22 December 2003 from the Permanent Representative of Brunei Darussalam to the United Nations addressed to the Chairman of the Committee

Report of the Government of Brunei Darussalam to the Security Council Committee established pursuant to resolution 1267 (1999)

I. Introduction

1. Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as the likely trends.

Answer:

Brunei Darussalam is constantly vigilant in its approach to counter terrorism within its territory, and no activity by Usama Bin Laden, Al-Qaida, the Taliban and their associates has been detected.

The main threat to the region currently comes from the Jemaah Islamiah (JI), a terrorist group linked to the Al-Qaida. Jemaah Islamiah's ability to mount attacks has been proven, however the group capability has been heavily disrupted with arrests being made and with all the countries in the region being vigilant.

Countries in the region are very committed to strengthen their collaboration with regional and international communities in combating terrorism, including through existing mechanisms within the United Nations and ASEAN[1]. Brunei Darussalam, through its various Intelligence and Enforcement Agencies, also has intelligence linkages with their counterparts in other countries, to exchange information on the possible threat to the region by the said individuals or entities.

II. Consolidated List

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

Answer:

Brunei Darussalam has not incorporated the 1267 Committee's List within its legal system. However, it has been incorporated administratively whereby the Ministry of Foreign Affairs would circulate to all the relevant agencies the updated Consolidated List.

[1] Information on ASEAN's efforts can be found in www.aseansec.org and ASEAN joint statements during open meetings of the Security Council on the work of the Counter Terrorism Committee (CTC) established pursuant to resolution 1373.

The Ministry of Finance has issued a direction concerning the Consolidated List to all the financial institutions as provided under section 12 (1) of the Anti-Terrorism (Financial and Other Measures) Order 2002. This Order provides that the Minister of Finance may issue such directions to any financial institution or any class of financial institution, as he considers necessary in order to discharge or facilitate the discharge of any obligation binding on Brunei Darussalam by virtue of a decision of the Security Council of the United Nations relating to terrorism. A financial institution, which fails or refuses to comply with the direction issued, or which discloses a direction issued is guilty of an offence and liable on conviction of a fine not exceeding B$20,000. "Financial institutions" means any person engaging in any relevant financial business as defined in section 4 of the Money-Laundering Order 2000.

The Immigration Act Chapter 17 (revised edition 2002) regulates immigration into Brunei Darussalam and provides the Controller of Immigration the power to prohibit the entry of certain classes of persons into Brunei Darussalam, such as any person who, in consequence of information received from any source deemed by the Controller to be reliable, or from any government, through official or diplomatic channels, is deemed by the Controller to be an undesirable immigrant.

The National Registration Act Chapter 19 (revised edition 2002) requires every person over the age of 12, within Brunei Darussalam to be registered unless exempted under regulation 25 of the National Registration Regulations. Foreign nationals who reside in Brunei Darussalam more than 3 months are also compelled by law to be registered. The person is required to provide detailed particulars of himself in order to register.

The Passport Act Chapter 146 (1984) will only allow a person, other than a citizen of Brunei, with a valid visa to enter Brunei Darussalam issued on the authority of and by the Government of Brunei Darussalam unless an exemption visa applies.

The Immigration and National Registration Department, with the recommendation from the Enforcement Agencies such as the Internal Security Department, identifies any foreign party, who has been confirmed to be involved in such acts to be put on a list of foreign nationals prohibited from entering the territory of Brunei Darussalam.

The Royal Brunei Police Force, through its close cooperation and coordination with other national law Enforcement Agencies, has a working relationship with regional states where intelligence reports and other operations could be shared on equal term.

3. *Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.*

Answer:

The said individuals or entities have never applied to enter Brunei Darussalam.

The main difficulties that Brunei Darussalam encountered with the implementation are as follows:

- **The details provided, with regard to the names of the said individuals or entities in the Consolidated List are insufficient for a full and effective implementation at the Control posts.**

- **There is no supporting information or documents to identify the said individuals and entities.**
- **The details provided are "inconsistent" such as incomplete personal details for example date of births and countries of origin.**
- **The said individuals may hold more than one passport with different identities.**

4. *Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.*

Answer:

Brunei Darussalam's authorities have not identified the said individuals or entities to be present in Brunei Darussalam.

5. *Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.*

Answer:

Brunei Darussalam does not have any evidence on possible individuals or entities that could be included in the List.

6. *Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.*

Answer:

-No-

7. *Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.*

Answer:

-No-

8. *According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.*

Answer:

Brunei Darussalam has established a Committee of Law Enforcement with the objective of uniting the different crime prevention operations. The Royal Brunei Police Force is the Chairman of the Committee, and is the contact point with relevant regional and international agencies such as Interpol. Any intelligence information regarding terrorism is categorised as "Interpol diffusion" and will be delivered to concerned agencies without any restriction.

Brunei Darussalam also established a National Committee on Transnational Crime on 5 November 2003, chaired by the Permanent Secretary of the Prime Minister's Office. The members comprised the various law Enforcement Agencies and other relevant agencies, such as the Attorney General's Chambers, Ministry of Finance, Ministry of Foreign Affairs and Ministry of Defence. The objective of the Committee is to tackle issues on transnational crime, including terrorism.

The Societies Act Chapter 66 (1972) requires any club, company, partnership or association of 10 or more persons except as provided under Section 2 of the Act, to be registered with the Registrar of Societies. Under Section 9 of the Act, the Minister of Home Affairs shall declare a society to be unlawful in the public interest, by public notification if in his opinion that society is being used or likely to be used for intimidation, extortion or any other unlawful purpose.

The Public Order Act Chapter 148 (revised edition 2002) prohibits quasi-military organisation and illegal drilling, preventing terrorist organisations from using the territory of Brunei Darussalam, as training camps.

Where any person is suspected of acting in a manner prejudicial to the security of Brunei Darussalam or the maintenance of public order or essential services, the Minister of Home Affairs may, in accordance with Section 3(1) of the Internal Security Act Chapter 133 (revised edition 2002), make an order directing such person be detained for any period not exceeding 2 years.

III. Financial and Economic Assets Freeze

Under the sanctions regime (paragraph 4(b) of resolution 1267 (1999) and paragraphs 1 and 2(a) of resolution 1390 (2002)), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, assets or resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.

For the purposes of implementation of the financial prohibitions in this sanctions regime, "economic resources" is defined to mean assets of every kind, whether tangible or intangible, movable or immovable.

9. Please describe briefly:

- *The domestic legal basis to implement the asset freeze required by the resolutions above;*
- *Any impediments under your domestic law in this context and steps taken to address them.*

Answer:

The major enabling legislation is the Anti-Terrorism (Financial and Other Measures) Order 2002 which enables the freezing of financial assets or economic resources of persons who commit, or attempt to commit terrorist acts or participate in or facilitate the commission of terrorists' acts.

Section 42 of the Internal Security Act Chapter 133 (revised edition 2002) criminalizes any person who, whether within or outside a security area demands, collects or receives any supplies from any other person for the use of any terrorists and shall be punishable by life imprisonment.

The Money-Laundering Order 2000, for the purposes of Sections 20 and 22 Drug Trafficking (Recovery of Proceeds) Act Chapter 178 (2000) and Sections 21-24 of Criminal Conduct (Recovery of Proceeds) Order 2000, prevents the use of the financial system for money-laundering by establishing procedures and systems for identification, record-keeping and internal reporting.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

Answer:

An administrative machinery was set up to monitor such activities (ANNEX A).

Nationally, Brunei Darussalam has close coordination on matters of security, through sharing of intelligence and provision of logistics support among all relevant Enforcement Agencies of the country. As mentioned in the answer to Question 8, a National Committee on Transnational Crime has also been established.

Brunei Darussalam also has set up the Mutual Legal Assistance in Criminal Matters Secretariat within the Attorney General's Chambers to consider requests from other countries for judicial assistance.

Regionally, Enforcement Agencies in Brunei Darussalam actively cooperate with their counterparts from other ASEAN member countries, through bilateral and multilateral frameworks, mainly in the sharing of intelligence information and best practices. Brunei Darussalam, as a member of ASEAN, has also identified specific initiatives to combat terrorism among members as well as with ASEAN Dialogue Partners, specifically +3 countries (People's Republic of China, Republic of Korea and Japan), United States, European Union and India.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama Bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer requirements". Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Answer:

Under Section 12 of the Anti-Terrorism (Financial and Other Measures) Order 2002, the Minister of Finance may issue such directions to any financial institution or institutions "in order to discharge or facilitate the discharge of any obligation binding on Brunei Darussalam" by virtue of a decision of the United Nations Security Council with regard to the suppression of financing of terrorism.

Under the Order, a direction has been issued obliging all financial institutions to perform thorough checking on the Consolidated List and report the findings to the Ministry of Finance.

All financial institutions are to ensure that their "Know Your Customer" policies should be in line with Money-Laundering Order 2000 which lay down provisions for identifications procedures. For the international business companies, under the International Business Companies Order 2000, the Registered Agent shall conduct due diligence for the purpose of obtaining the identity of the beneficial owners and details of the source of the proposed transactions. Upon incorporation, a certificate of due diligence is to be signed. It shall be an offence whereby filing of such certificate is based on untrue, misleading or incomplete information.

The Ministry of Finance regulates and supervises activities of all financial institutions.

12. *Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individual and entities". Please provide a list of assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:*

- *Identification(s) of the person or entities whose assets have been frozen;*
- *A description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);*
- *The value of assets frozen.*

Answer:

No such assets of the said individuals or entities have been found in Brunei Darussalam.

13. *Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.*

Answer:

-Not applicable-

14. Pursuant to resolutions 1455(2003), 1390(2001), 1333(2000) and 1267(1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- *The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.*
- *Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.*
- *Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.*
- *Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.*
- *Restrictions or regulations, if any, applicable to alternate remittance systems such as – or similar to – "hawala", as well as on charities, cultural and other non-profit organisations engaged in the collection and disbursement of funds for social or charitable purposes.*

Answer:

Any person in Brunei Darussalam, and any citizen of Brunei Darussalam outside Brunei Darussalam, and company incorporated or registered under the Companies Act 1957 is prohibited, under the Anti-Terrorism (Financial and Other Measures) Order 2002 to have any direct or indirect provision or collection of funds, if it is known or there are reasonable grounds to suspect that the funds will be used to commit any terrorist act or facilitate the commission of any terrorist act; dealing with property of terrorists and providing of resources and services for the benefit of terrorists by making available any funds or any other financial assets or economic resources, or any other financial or related services, for the benefit of any prohibited person.

In addition to the direction provided under Section 12 (1) of the Anti-Terrorism (Financial and Other Measures) Order 2002, administratively all financial institutions are to report any cases of suspicious transactions. Similarly, all remittance companies are requested to report on regular basis any transaction involving an amount more than B$5,000 to the Ministry of Finance. Furthermore, all financial institutions are to ensure that their "Know Your Customer" policies should be in line with the Money-Laundering Order 2000, which lay down provisions for identification procedures.

IV. Travel Ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of Listed individuals (paragraph 1 of resolution 1455 (2003), paragraph 2b of resolution 1390 (2002).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

Answer:

There is a strict enforcement of laws and regulations pertaining to immigration and travel document to ensure stringent checks of people entering Brunei Darussalam to prevent entry into the country against undesirable elements, including terrorists. In addition to those measures to prevent entry, the Law Enforcement Unit of the Immigration and National Registration Department and the Royal Brunei Police Force have been conducting joint operations to prevent illegal immigrants from staying in Brunei Darussalam.

The Royal Brunei Police Force, together with other relevant agencies have enhanced the measures on the travel ban at the national airport, ports and entry/exit posts in the country. To this date, there was no evidence of the said individuals or entities entering Brunei Darussalam. The Royal Brunei Police Force is working together with other relevant agencies to exchange information on this.

The Immigration Act Chapter 17 (Revised edition 2002) regulates immigration into Brunei Darussalam. The Act provides the Controller of Immigration the power to prohibit the entry of undesirable persons into the country.

The Immigration and National Registration Department also maintains close contacts with both regional and international counterparts to prevent movement of terrorists by working towards the establishment of intelligence units to address international terrorism.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

Answer:

Despite the difficulties (outlined in the answer to Question 3) faced by the Immigration and National Registration Department, the Consolidated List has been included in the national "alert/prohibited list" to all border checkpoints.

Under Section 8 of the Immigration Act Chapter 17 (revised edition 2002), a person who in the opinion of the Controller of Immigration is a prohibited immigrant shall not be allowed to enter the territory of Brunei Darussalam, including any person who, in consequence of information received from any source deemed by the Controller to be reliable, or from any government, through official or diplomatic channels, is deemed by the Controller to be an undesirable immigrant.

The Internal Security Department, Immigration and National Registration Department, the Royal Brunei Police Force, Narcotics Control Bureau, Religious Authorities and the Royal Brunei Customs and Excise Department will recommend any foreign party and who has been confirmed to be involved in such acts to be put on a list of foreign nationals prohibited from entering Brunei Darussalam.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

Answer:

The "alert/prohibited list" is updated regularly. Brunei Darussalam through the Department of Immigration and National Registration possess the capabilities of searching List data electronically using the Border Control System. The Headquarters of the Internal Security Department, the Royal Brunei Police Force, the Department of Immigration and National Registration, and all immigration entry-points are linked electronically to the Border Control System.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

Answer:

None of the listed individuals has been detected.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

Answer:

None of the said individuals or entities has applied for visa to enter Brunei Darussalam.

Any foreign citizens whose countries have visa waiver arrangements with Brunei Darussalam does not have to apply for visa for social visit purposes to enter Brunei Darussalam. However, upon arrival every individual will be checked against the "alert/prohibited list".

V. Arms Embargo

Under the sanctions regime, all states are requested to prevent the direct or indirect supply, sale or transfer, to Usama bin Laden, members of Al-Qaida organisation and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related material of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2(c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

Answer:

Brunei Darussalam's measures not only cover the aspect of supply but also acquisition, usage and activities related to arms or explosives as a criminal activity that could lead to charges under the following laws:

- **Section 122 of Penal Code (Chapter 22) – whoever collects men, arms or ammunition or otherwise prepares to wage war, with the intention of either waging, or being prepared to wage war ... shall be punished with imprisonment of either description for a term which may extend to 15 years, and shall be liable to fine.**

- **Arms and Explosives Act 2000 provides for the offence of manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives. The offence shall be punishable with imprisonment of a term not less than 5 years and not more than 15 years and shall also be punished with whipping with not less than 3 strokes and no more than 12 strokes. The provisions of this Act and of any rules made thereunder shall apply to such arms and explosives as may be declared and defined by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam by public notification.**

- **Section 2 (1) of Biological Weapons Act Chapter 87 (1975) – No person shall develop, produce, stockpile, acquire or retain ... (b) any weapon, equipment or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict ... (3) any person contravening this section shall be guilty of an offence: Penalty, life imprisonment.**

- **Section 28 (1) of Public Order Act Chapter 148 (revised edition 2002) – In any special area, any person who without lawful excuse, the onus of proving which shall be on such person, carries or has in his possession or under his control ... (a) any firearms, without lawful authority, therefore: or (b) any ammunition or explosive, without lawful authority therefore, shall be guilty of an offence: Penalty, death.**

- **Section 40 (1) of Internal Security Act Chapter 133 (revised edition 2002) – Any person who without lawful excuse, the onus of proving which shall be on such person, carries or has in his possession or under his control ... (a) any firearms, without lawful authority therefore: or (b) any ammunition or explosive, without lawful authority therefore, shall be guilty of an offence: Penalty, death.**

Brunei Darussalam also has laws that aim to prevent the usage and entrance of arms or activities that relates to terrorism, such as:

- **Section 19(1) of Public Order Act Chapter 148 (revised edition 2002) ... any police officer may in a special area, without warrant or with or without assistance (2) the powers conferred by subsection (1) shall be exercisable – 9a) for the purpose of ascertaining whether such person, vehicle, vessel or aircraft as aforesaid is carrying, or such premises as aforesaid contain, any offensive weapon, subversive article or injurious thing; or (b) if the police officer concerned has reasonable grounds for believing that any evidence of the commission of an offence is likely to be found on such person or premises or in any such vehicle, vessel or aircraft ...**

- **Biological Weapons Act 1975 - Section 2(1) of the Biological Weapons Act Chapter 87 (1975) states that "No person shall develop, produce, stockpile, acquire or retain ... (b) any weapon, equipment or means of delivery designed to use biological agents or toxins for hostile purposes or in armed conflict ... (3) any person contravening this section shall be guilty of an offence: Penalty, life imprisonment".**

- **Section 40(1) of the Internal Security Act Chapter 133 (revised edition 2002) states that "Any person who without lawful excuse, the onus of proving which shall be on such person, carries or has in his possession or under his control ... (a) any firearms, without lawful authority therefore: or (b) any ammunition or explosive, without lawful authority therefore, shall be guilty of an offence: Penalty, death."**

The Ministry of Defence keeps close track on the importation of weapons/ammunition for its own defence needs and uses. Such stockpiling of weapons/ammunition by units in Royal Brunei Armed Forces (RBAF) units, armories and ammunition dumps are listed in the appropriate registers or ledgers, with records kept for all daily issues/receipts and retained for at least 6 months after the last entries. All arms are checked daily by officers/warrant officers with serial numbers checks carried out by an officer once a week.

Holdings of explosives and detonators are checked once a week by an officer and holdings of ammunition are inspected once a month by units' commander. Spot and periodic checks are carried out by units and by the Directorate of Intelligence and Security (Dte Int & Sy). Records of checks are maintained and retained for a period of at least 10 years, and Royal Brunei Armed Forces units are required to submit monthly returns of explosives and detonators holdings to the ammunition technical staff of the Directorate of Logistics and the Dte Int & Sy.

Any requests to bring in weapons/ammunition by other forces stationed in Brunei Darussalam, or foreign military forces, required a declaration by the respective countries military authorities to the Directorate of Operation & Plans and Dte Int & Sy and the granting of an import/export permit from the Commissioner of the Royal Brunei Police Force. Once these items arrived at the respective entry points, the Royal Brunei Customs and Excise Department and Royal Brunei Police Force will conduct a final check of the consignments.

Royal Brunei Armed Forces conducts regular and random patrols along its borders in support of the Royal Brunei Police Force and other Enforcement Agencies through the inter-agency cooperation mechanisms and provides cross-borders transnational crime surveillance activities. Such patrols are carried out on monthly basis by infantry foot patrol, air and maritime units from the Royal Brunei Air Force and Royal Brunei Navy.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them?

Answer:

Section 55(1) of Internal Security Act Chapter 133 (revised edition 2002) – any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe – (a) that there are grounds which would justify his detention under section 3; and (b) that he has

acted or is about to act or is likely to act in any manner prejudicial to the security of Brunei or any part thereof.

Section 16 (1) – Notwithstanding anything to the contrary contained in any written law it shall be lawful for any police officer ..., in order to effect the arrest of any person in pursuance of the provisions of this Act, to enter and search any place and in any outer or inner door or window of any such place if he cannot otherwise obtain admittance thereof ... (2) In this section "place" includes any vehicle or aircraft, whether in public place or not.

The Customs Act Chapter 36 (revised edition 1984) provides for offences of making incorrect declarations and on falsifying documents related to Customs, refusing to answer questions or on giving false information and various smuggling offences under the Act.

Section 28 of the Customs Act Chapter 36 (revised edition 1984), provides that the Minister of Finance with the approval of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam may, by order provide for prohibiting the importation into, or the exportation from Brunei Darussalam or any part thereof, either absolutely or conditionally, or from or to any specified country, territory or place outside Brunei Darussalam, or the removal from one place to another place in Brunei Darussalam of any goods or class of goods; and prohibiting the importation into, or the exportation from, Brunei Darussalam or any part thereof, or removal from one place to another place in Brunei Darussalam of any goods or class of goods, except at specified ports or places.

Criminal Law (Preventive Detention) Act - Section 16 (1) of the Criminal Law (Preventive Detention) Act Chapter 150 (1984) states that "Notwithstanding anything to the contrary contained in any written law it shall be lawful for any police officer ..., in order to effect the arrest of any person in pursuance of the provisions of this Act, to enter and search any place and in any outer or inner door or window of any such place if he cannot otherwise obtain admittance thereof ... (2) in this section "place" includes any vehicle, vessel or aircraft, whether in public place or not.

Arms and Explosives Act 2000 provides for the offence of manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives. The offence shall be punishable with imprisonment of a term not less than 5 years and not more than 15 years and shall also be punished with whipping with not less than 3 strokes and no more than 12 strokes. The provisions of this Act and of any rules made thereunder shall apply to such arms and explosives as may be declared and defined by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam by public notification.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Answer:

Under the Arms and Explosives Act 2000, any person who wishes to import firearms has to apply for permit from the Royal Brunei Police Force. The Public Order Act and the Penal Code have adequate provisions to deal with illegal ownership or possession of firearms.

In accordance to Royal Brunei Armed Forces Manual of Security, Chapter 4, Para 0427, individuals are not permitted to keep service arms or ammunition in their homes. Procurement and importation of arms/ammunition for Royal Brunei Armed Forces usage undergo a set of protocols and process. Any order/request for purchase or importation of arms/ammunition can only be raised after obtaining an approved end-user certificate signed by the Commander of Royal Brunei Armed Forces. Once import clearance is obtained from the Commissioner of the Royal Brunei Police Force, all transactions and deliveries are conducted by an approved group of Government companies, managed by the Royal Brunei Technical Services, under the auspices of the Directorate of Finance and Procurement of the Ministry of Defence.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated?

Answer:

Brunei Darussalam does not produce any weapons and ammunition, however it has acceded to international Conventions, relevant to the productions, safeguarding and destruction of firearms, ammunitions and explosives. All weapons and ammunition are bought from outside the country.

Arms/ammunition are only to be issued to personnel for specific duties and only issued on the express authority of an officer or warrant officer. The Royal Brunei Armed Forces exercises strict regulation and procedures in the safeguard and usage of weapons/ammunition in accordance to the Royal Brunei Armed Forces Manual of Security, and standing orders which are issued on a periodic basis. In accordance to the Royal Brunei Armed Forces standing orders and directives, all expended ammunition casings, of all types, are collected and returned to the Ammunition Depot for disposal. The attention of all ranks of Royal Brunei Armed Forces is drawn to the fact that, it is unlawful for any person, including any member of Royal Brunei Armed Forces, to purchase, acquire or possess for private use, any firearm, shot-gun, air-gun, air-rifle, air-pistol and their ammunition under the Royal Brunei Armed Forces Act and the Arms and Explosive Act 2000. The offence shall be punishable with imprisonment of a term not less than 5 years and not more than 15 years and shall also be punishable with whipping with not less than 3 strokes and no more than 12 strokes.

VI. Assistance and conclusion

24. Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

Answer:

The Royal Brunei Police Force, through its association with ASEANAPOL and INTERPOL could disseminate early warning to member states and the Internal Security Department keeps regular contacts with its counterparts outside the country.

Any request for assistance made to the Royal Brunei Police Force, and to the Mutual Legal Assistance Secretariat in Criminal Matters, Attorney General's Chambers would be rendered as soon as that request is received. Feedback and response to be given would depend on the complexity and nature of the investigation.

Brunei Darussalam acceded to the Agreement on Information Exchange and Establishment of Communication Procedures on 16 June 2003. The Agreement is a regional initiative and an important part of the agreement is a list of specific implementable projects that will further the objectives of the agreement. The list includes the establishment of a Joint Committee that will determine and set out the administrative and operational requirements to implement the agreement, the establishment of Standard Operating Procedures on Search and Rescue, setting up of hot lines, sharing of airline passenger lists and the conduct of joint training and exercises on combating terrorism and other transnational crimes.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

Answer:

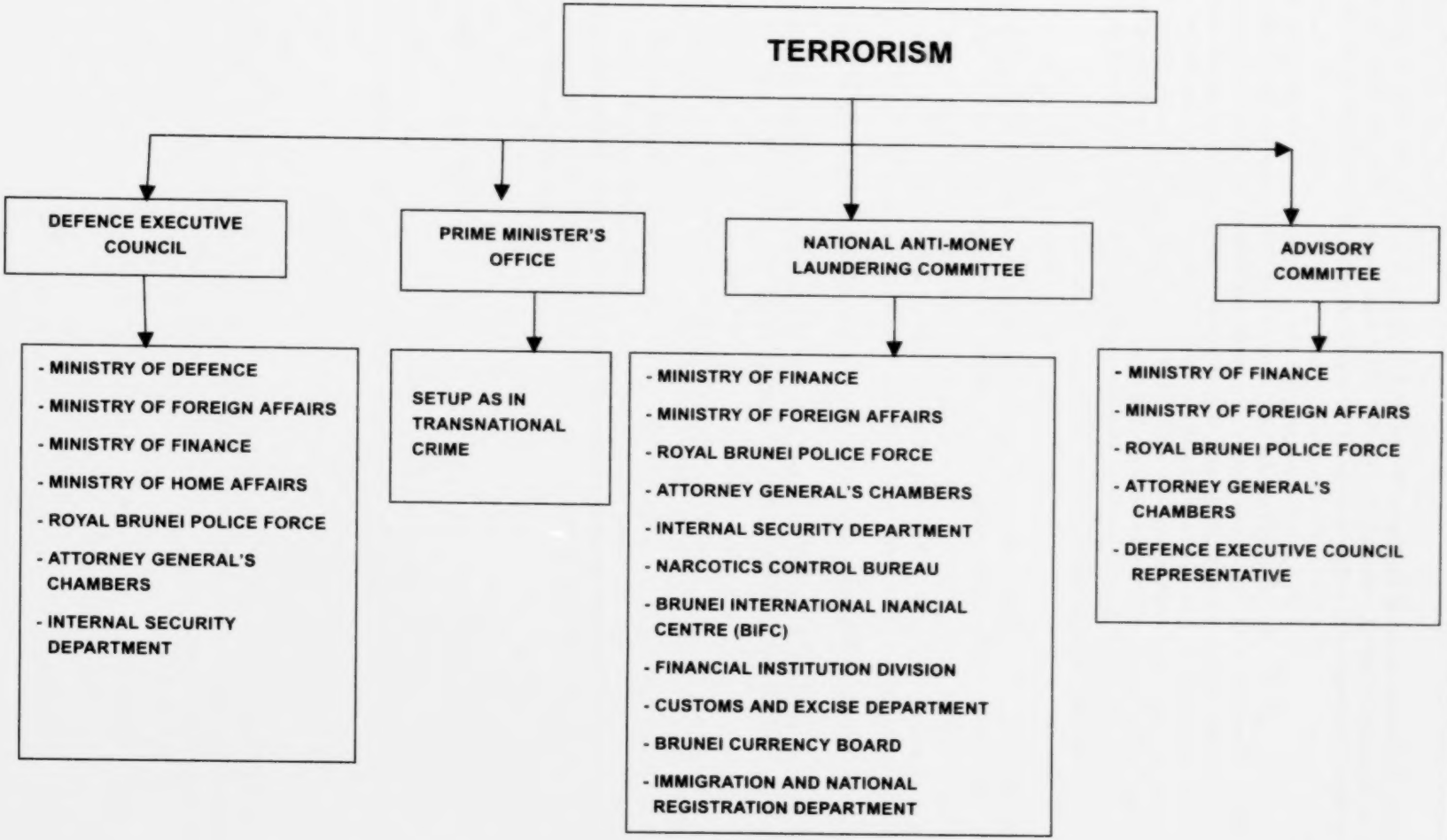
The problem is inadequate information on the said individuals or entities in the Consolidated List.

In terms of capacity building, Brunei Darussalam still requires assistance, particularly in training and sharing of other countries' experiences in setting up national database.

26. Please include any additional information you believe pertinent.

-Nil-

ANNEX A


TERRORISM
DEFENCE EXECUTIVE COUNCIL
- MINISTRY OF DEFENCE
- MINISTRY OF FOREIGN AFFAIRS
- MINISTRY OF FINANCE
- MINISTRY OF HOME AFFAIRS
- ROYAL BRUNEI POLICE FORCE
- ATTORNEY GENERAL'S CHAMBERS
- INTERNAL SECURITY DEPARTMENT
PRIME MINISTER'S OFFICE
SETUP AS IN TRANSNATIONAL CRIME
NATIONAL ANTI-MONEY LAUNDERING COMMITTEE
- MINISTRY OF FINANCE
- MINISTRY OF FOREIGN AFFAIRS
- ROYAL BRUNEI POLICE FORCE
- ATTORNEY GENERAL'S CHAMBERS
- INTERNAL SECURITY DEPARTMENT
- NARCOTICS CONTROL BUREAU
- BRUNEI INTERNATIONAL INANCIAL CENTRE (BIFC)
- FINANCIAL INSTITUTION DIVISION
- CUSTOMS AND EXCISE DEPARTMENT
- BRUNEI CURRENCY BOARD
- IMMIGRATION AND NATIONAL REGISTRATION DEPARTMENT
ADVISORY COMMITTEE
- MINISTRY OF FINANCE
- MINISTRY OF FOREIGN AFFAIRS
- ROYAL BRUNEI POLICE FORCE
- ATTORNEY GENERAL'S CHAMBERS
- DEFENCE EXECUTIVE COUNCIL REPRESENTATIVE